



Entered on Docket
October 20, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

~~LEWIS AND ROCA LLP~~

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Binford Medical Developers Loan;
Except for Claim of Rosalie Morgan, and
Notice of Status Hearing re Rosalie A.
Morgan IRA Proof of Claim**

Hearing Date: September 30, 2011
Hearing Time: 9:30 a.m.

Status Hearing: November 15, 2011
Time: 9:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Binford Medical Developers Loan." ("Binford Medical Developers Loan") [DE 8855] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; Rosalie A. Morgan having requested a continued hearing; no other

1 responses to the Objection having been filed; the Court noting on the record that the
2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to
3 repayment by the borrower or from the collateral securing the Binford Medical Developers
4 Loan; and good cause appearing:

5 **IT IS ORDERED** that:

6 1. The Objection [DE 8855] is sustained except as it relates to Proof of Claim
7 No. 10725-01512 filed by Rosalie A. Morgan IRA (the "Morgan Claim");

8 2. The claims listed on **Exhibit A** attached, except for the Morgan Claim, are
9 85% disallowed and 15% allowed. Those claims are based entirely upon an investment in
10 the Binford Medical Developers Loan.

11 3. A status conference regarding the Morgan Claim is set before this Court on
12 **November 15, 2011 at 9:30 a.m.** at the U.S. Bankruptcy Court, 300 Las Vegas Boulevard
13 South; Courtroom # 1, Las Vegas, NV 89101;

14 4. If Ms. Morgan fails to appear at the the status conference, the Court may
15 deem her response withdrawn and sustain the Objection without further proceedings,
16 meaning that Ms. Morgan's claim would be disallowed;

17 5. Ms. Morgan may appear telephonically at the status conference on
18 November 15, 2011 by sending a written request to the Honorable Linda B. Riegle, U.S.
19 Bankruptcy Court; 300 Las Vegas Boulevard South; Las Vegas, NV 89101 or a facsimile
20 of her request to 702-527-7015. The written request must be received by the Court on or
21 before November 8, 2011 or it will be denied without good cause shown for failing to
22 timely request permission to appear telephonically; and

23 6. Once the Court grants permission to appear telephonically, Ms. Morgan
24 should contact CourtCall at least 48 hours prior to the hearing by telephone at 1-888-882-
25 6878, or by facsimile at 888-883-2946, to make arrangements for the telephonic
26 appearance. CourtCall will require the Court location, Judge's name, case name, case
number, and date and time of the hearing. CourtCall charges are to be paid by claimant.

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2 PREPARED AND RESPECTFULLY SUBMITTED BY:

3
4 **LEWIS AND ROCA LLP**

5 By /s/ John Hinderaker (AZ #018024)

6 Robert M. Charles, Jr.

7 John Hinderaker (*pro hac vice*)

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10 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Rosalie Morgan</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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Claim	Name	Address	Total Claim Amount Relating to the Binford Medical Developers, LLC Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Binford Medical Developers, LLC Loan	Amount Allowed
10725- 02137	Millar, Russell	923 Ceres Rd Palm Springs, CA 92262	60,000.00	60,000.00	9,000.00
10725- 01512	Morgan Ira, Rosalie A	6869 Eagle Wing Dr Sparks, NV 89436-8496	126,910.00	126,910.00	19,036.50
10725- 01224	Paul G Chelew Charitable Remainder	Alta Bates Summit Foundation Trustee 2855 Telegraph Avenue Suite 601 Berkley, CA 94705-1161	130,000.00	130,000.00	19,500.00
10725- 01377	Payne, Shirley	Po Box 208 Grass Valley, CA 95945	50,000.00	50,000.00	7,500.00